

MAY 25, 1978

The City Council of the City of Idaho Falls met in Special Session, Thursday, May 25th, 1978, at 7:30 P.M. in the Council Chambers in Idaho Falls, Idaho. There were present at said meeting: Mayor Tom Campbell; Councilmen Paul Hovey, Jim Freeman, Mel Erickson, Ralph Wood, and Charles Clark. Absent: Councilman Sam Sakaguchi. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney and all other available Division Directors.

Minutes of the last special meeting, held May 11th, 1978, were read and approved.

Anticipating annexation of an area to be known as the Parkwood Addition, Division No. 3, recessed from the last Regular Council Meeting, the City Clerk was asked to read aloud this introductory memo:

City of Idaho Falls
May 25, 1978

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: PARKWOOD ADDITION, DIVISION NO. 3 - FINAL PLAT,
ANNEXATION & INITIAL ZONING

Attached is a copy of the annexation ordinance, annexation agreement, and final plat of the above described property. The City Planning Commission recently held a public hearing on this matter and at that time recommended annexation to the City, approval of the final plat and initial zoning of R-1.

This Department concurs with their recommendation, and it is now being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist

A final plat of the above mentioned area was presented. It was moved by Councilman Freeman, seconded by Clark, that the plat be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 5; No, none; carried.

An annexation agreement between the City and the Parkwood Addition, Division No. 3 developer was submitted. It was moved by Councilman Freeman, seconded by Clark, that this agreement be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 5; No, none; carried.

ORDINANCE NO. 1547

AN ORDINANCE ANNEXING CERTAIN LANDS TO
THE CITY OF IDAHO FALLS, IDAHO, DESCRIBING
SAID LANDS AND DECLARING SAME A PART OF
THE CITY OF IDAHO FALLS, IDAHO. (PARKWOOD
ADDITION #3)

The foregoing ordinance was presented in title. It was moved by Councilman Freeman, seconded by Clark, that the provisions of Section 50-902 of the Idaho Code requiring all

ordinances to be fully and distinctly read on three several days be dispensed with. The question being, "SHALL THE PROVISIONS OF SECTION 50-902 OF THE IDAHO CODE

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REQUIRING ALL ORDINANCES TO BE READ ON THREE SEVERAL DAYS BE DISPENSED WITH?" Roll call as follows: Ayes, 5; No, none; carried. The majority of all the members of the Council present having voted in the affirmative, the Mayor declared the rule dispensed with and ordered the ordinance placed before the Council for final consideration, the question being, "SHALL THE ORDINANCE PASS?" Roll call as follows: Ayes, 5; No, none; carried.

The Parkwood Addition, Division No. 3 having been properly annexed, the Mayor announced that this was the time and the place, as advertised, to conduct a public hearing to consider its initial zoning. There were none who appeared to protest or otherwise comment on said zoning as recommended by the Planning Commission. It was moved by Councilman Freeman, seconded by Clark, that the Parkwood Addition, Division No. 3 be initially zoned R-1 and the Building Official be directed to incorporate said zoning on the official zoning map, located in his office. Roll call as follows: Ayes, 5; No, none; carried.

An area to be known as the Old Fashion Way, Division No. 2 was then re-introduced for annexation, having been recessed from the last Regular Council Meeting. This memo from the Building Administrator was presented:

City of Idaho Falls
May 25, 1978

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: OLD FASHION WAY, DIVISION NO. 2 – FINAL PLAT, ANNEXATION
& INITIAL ZONING

A public hearing on this matter was originally scheduled for May 11, and at that time was recessed until May 25th. We are requesting that this item be recessed until June 8th, inasmuch as all the engineering requirements have not been completed as of this date.

s/ Rod Gilchrist

Mr. Doug Wenzel, Route 4, Box 76, Idaho Falls, appeared before the Council. It was noted that Mr. Wenzel had also appeared at the last Council Meeting to register a protest against annexation of the Old Fashion Way because of a surface drainage problem. Noting that this area was recommended for further recessing, Mr. Wenzel said he would reserve comment until the Old Fashion Way was, in fact, ready in all respects to be considered for annexation. Mr. Wenzel submitted several photographs, depicting surface drainage problems within the following subdivisions. Alice Dickson, Division No. 4, Alice Dickson, Division No. 1, Pancheri, Division No. 1 and Old Fashion Way, Division No. 1. It was moved by Councilman Freeman, seconded by Clark, that annexation proceedings of the area to be known as the Old Fashion Way, Division No. 2 be further recessed until June 8th, 1978. Roll call as follows: Ayes, 5; No, none; carried.

Annexation proceedings of an area to be known as the Rose Nielsen-Prestwich Farm was then re-introduced, having been recessed from the last Council Meeting. This memo from the Building Administrator was presented and read aloud:

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City of Idaho Falls
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MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: ROSE NIELSEN-PRESTWICH FARM-ANNEXATION HEARING

A public hearing was originally scheduled on this item for May 11th and at that time was recessed until May 25th. The developer has requested this matter be further recessed until June 22nd in order for them to complete the required engineering drawings.

s/ Rod Gilchrist

The Mayor noted that the developer of the Prestwich Farm, Mr. Richard Skidmore, was not at fault for the delay as mentioned in the foregoing memo but, instead the recess had been requested by the Public Works Division, anticipating problems because of the large area involved in this proposed annexation.

Mr. Skidmore appeared before the Council to report that much time and effort had been expended on this original concept of annexing a large un-platted area into the City. He said development plans had not yet been prepared because development of the entire area was not contemplated at this time. He said this new concept, as long as it was properly zoned has merit, in his opinion and the Planning Commission was in agreement. Skidmore continued by saying this new concept would give the developer an opportunity to develop at his own pace, properly controlled by the City, based upon future growth demands. Less engineering and fewer public hearings would be required. Development plans could be revised from time to time, if needed. Skidmore registered dismay and disappointment that the proposed annexation had been recessed at the last Council Meeting without his knowledge or consent. Skidmore acknowledged however, that in the interim period, he had met with the Public Works officials who had explained that annexation of such a large area posed public works problems as pertained to utilities and other services that would not be known at the time of annexation. He said that if recessing was, in fact, deemed necessary, he would prefer to have been contacted with proper explanation before the last Council Meeting. Asked by the Mayor why he objected to platting, Skidmore said this would have necessitated improvement drawings on the entire area which were not available because development plans on said area were not yet known. The Mayor explained to Skidmore that when annexation proceedings were recessed, the Council did so, thinking they were doing him a favor, rather than run the risk that the request for annexation be denied. Councilman Freeman concurred and added that, in view of the problems as introduced by the Public Works Division, it would be poor planning to implement a concept that would be difficult to administer.

Mr. David Benton, engineer for the Prestwich Farm development, appeared briefly to say that if improvement drawings are required, this will take time. Also, continued Benton, the developer would want assurance that there would be no demands for the various fees as required in the annexation agreement until the area is developed. Benton said there were valid arguments in favor of large scale annexation, planning and zoning which he and Mr. Skidmore would be willing to discuss with the Council. He said even potential purchasers would benefit as they would know, in advance, the existing zoning at the time of

purchase and could decide location accordingly based upon intended land use. Freeman said this was further justification for having effected the recess at the last meeting because,

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under the time frame, the Council would not have had the opportunity to get all the answers. Noting from the foregoing memo that a recommendation had been made for further recessing till June 22nd, Benton said this still might not give sufficient time, providing improvement drawings are required on the entire area. Benton concluded his remarks by saying the initial zoning, as recommended, should not pose a problem.

Mr. Jack Wyatt, 346 Crestwood Lane, appeared briefly to question Benton's last statement. Mr. Wyatt said that, in his opinion, there could be a zoning problem. He said the Planning Commission recommendation was vague and the nearby residents would want a clear and definite understanding on this issue or there would probably be those interested in registering a protest. It was moved by Councilman Freeman, seconded by Clark, that annexation proceedings of the Prestwich Farm, including the zoning hearing be recessed till June 22nd, 1978. Roll call as follows: Ayes, 5; No, none; carried.

The Lorin Anderson Planned Unit Development was presented for Council consideration, having been recessed till this date from a previous Council Meeting. This advisory memo from Building Administrator Gilchrist was submitted:

City of Idaho Falls
May 25, 1978

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist
SUBJECT: RECESSED PUBLIC HEARING – LORIN C. ANDERSON ADDITION
– PUD

This item was originally scheduled to be heard by the City Council on a previous date, and was recessed until May 25th in order to permit the developers to complete some necessary redesign. The redesign has been submitted to the City Planning Department and is scheduled to go to the City Planning Commission on June 13th, 1978. We are therefore requesting this public hearing at the City Council level be recessed until the June 22nd meeting.

s/ Rod Gilchrist

Asked for comment, Gilchrist explained that, since the PUD had last been before the Council, an error had been found in the legal description, necessitating another public hearing by the Planning Commissions. It was moved by Councilman Freeman, seconded by Clark, that further consideration of the Lorin Anderson PUD be recessed until July 6th, 1978. Roll call as follows: Ayes, 5; No, none; carried.

Councilman Freeman commented to the effect that, since the first of the year, there had been a rash of recessed public hearings which is cumbersome and time consuming for all effected parties. Freeman asked the City Clerk to present and read aloud this memo:

City of Idaho Falls
May 25, 1978

MEMORANDUM

TO: Mayor and Council
FROM: Planning & Zoning Council Committee

SUBJECT: HEARING PROCEDURE FOR ANNEXATION, FINAL PLATS AND
INITIAL ZONING

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The Planning & Zoning and Public Works Council Committees are concerned with the number of public hearings which have been recessed to later dates. This is occurring after proper legal ads have been published, notices sent to adjacent property owners, and the hearing established on the City Council Agenda. This causes a great inconvenience to all concerned and particularly to interested citizens who plan to attend the hearing.

The necessity for recessed hearings has been caused primarily because improvement drawings have not been completed and/or annexations are signed by the developer prior to the hearing date. We are therefore recommending the following procedure be adhered to in all future annexation matters.

No hearing date will be set, and the necessary public notice given, until the necessary improvement drawings are approved by the City Engineer and the annexation agreement signed by the developer and landowner.

s/ Rod Gilchrist

Freeman said this policy, if adopted, might, on occasion, create some delay for the developer but, in the final analysis the delays were occasioned anyway when the annexation proceedings were recessed. Freeman said that if there is cause for delay it might as well be before annexation is even considered by the Council, resulting in a much smoother administrative operation. It was moved by Councilman Freeman, seconded by Clark, that the foregoing policy, as outlined in the memo, be adopted. Roll call as follows: Ayes, 5; No, none; carried.

The City Clerk presented an application from Le Barons for a liquor by the drink at the Science Center on May 24th for the benefit of the American Society of Non-Destructive Testing. It was explained that, in the interests of time, this was issued with the approval of the Police Chief but without Council consideration. It was moved by Councilman Freeman, seconded by Clark, that this action be duly ratified. Roll call as follows: Ayes, 5; No, none; carried.

The City Clerk then presented two damage claims, as follows:

May 24, 1978

Roy Barnes
City Clerk
City of Idaho Falls

On Wednesday, May 24, 1978, at 8:40 A.M. a Dodge pickup, license number 22459 with a City emblem on the side passed my Pontiac at approximately 60 MPH, on the right side. As it pulled in front of me it kicked up a rock and broke my windshield. This happened on Science Center Drive.

s/ Tom Sutton

NOTICE OF CLAIM

TO: THE MAYOR, CITY COUNCIL AND CITY CLERK OF THE CITY OF IDAHO FALLS, A MUNICIPAL CORPORATION WITHIN THE STATE OF IDAHO:

MAY 25, 1978

NOTICE IS HEREBY GIVEN of a claim against the City of Idaho Falls, Idaho, a municipal corporation within the State of Idaho, having its principal place of business and municipal administration within Bonneville County, for damage incurred as a result of negligence of employees and/or agents of the Sanitation Department of the City of Idaho Falls which damages occurred on Lewisville Highway approximately (1) mile , more or less, north of the City limits of the City of Idaho Falls, on or about January 18, 1978.

This claim is filed pursuant to Title 6, Chapter 9 of the Idaho Code, "Idaho Tort Claims Act". In support of the within claim, claimant provides the following information:

1. Damage was incurred when an employee and/or agent of the Sanitation Department of the City of Idaho Falls failed to observe existing power lines across the said Lewisville Highway and did carelessly and negligently sever and pull down the power line when the sanitation container (dumpster) which was being carried on the top of the vehicle driven by said employee and/or agent of the City of Idaho Falls struck the said power line.
2. Damage was incurred in that business operations of claimant particularly in the repair and parts department were terminated as dependent upon electrical power for operation of equipment and lighting. Expenses in obtaining evaluation and review by qualified electricians relating to proper connection and re-initiation of power service and general damage were, likewise, incurred.
3. Damages were incurred during the period of approximately 3:45 P.M. until 6:00 P.M., closing time on or about the 18th day of January, 1978, at the location of the claimants principal place of business in Idaho Falls, Idaho, 2250 Lewisville Highway.
4. Persons involved include the driver of the City Sanitation vehicle whose name is unknown to claimant, President of which is E. Ray Dent Jr., and employees of claimant corporation including service and parts departments managers, mechanics and other officers and employees.
5. Damages incurred include lost wages of four (4) mechanics totaling \$100.00, lost wages of the service manager totaling \$30.00, lost wages of the parts department manager totaling \$15.00, electrician, expense estimated to be \$25.00 and general damages in the amount of \$350.00. Demand is herewith made upon the City, therefore, for reimbursement of damages and loss in a total sum of \$520.00 together with costs which may hereinafter be incurred and attorney's fees which may be incurred should this matter proceed to litigation.

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6. Claimant is an Idaho corporation with its principal place of business in Idaho Falls at 2250 Lewisville Highway and maintains that as its principal place of business at the time of filing of this claim and maintained that principal place of business more than six (6) months prior to the arising of the claim in this instance.

Dated this 15th day of May, 197.

Dent Volkswagon, Inc.
by E. Ray Dent

It was explained that these had previously been forwarded to the City's liability insurance carrier for early investigation. It was moved by Councilman Erickson, seconded by Freeman, that this action be ratified. Roll call as follows: Ayes, 5; No, none; carried.

Finally, under matters requiring Council ratification, this memo from the Public Works Director was presented:

City of Idaho Falls
May 25, 1978

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: CITY-COUNTY AGREEMENT ON TWENTY-FIFTH STREET

The City and the County have reached an agreement to provide for the improvement of Twenty-Fifth Street between Leslie and Gallatin, providing that an LID in consummated. In the interest of time, the Council was polled concerning the City's approval. We are now requesting ratification for the City to sign the City's approval of this Agreement.

Sincerely,
s/ Don

It was moved by Councilman Hovey, seconded by Erickson, that this action also be ratified. Roll call as follows: Ayes, 5; No, none; carried.

License applications for FIREWORKS, Marcia A. Jensen, located at Holiday Oil, Skaggs Drug, 1515 Northgate Mile; MOBILE FOUNTAIN, ICE CREAM BIKE, David Kester; SNOW CONE CONCESSION, Judy Leonard; JOURNEYMAN ELECTRICIAN, Furniture Fair for D.H. Fonnsebeck; JOURNEYMAN PLUMBER, Earl J. Carter, Melvin J. Grayson, Richard Weskena, Von J. Hill; CLASS B CONTRACTOR, GF, WA, REF, Lyman D. Taylor for Taylor's-Aire Service; CLASS C CONTRACTOR, WA, GF, Ernest Andrus for ABC Furnace; CLASS C CONTRACTOR, REF, George C. Bidstrup for Jewell Electric, William Johnson for Falls Refrigeration; CLASS B JOURNEYMAN, WA, GF, REF, Lyman D. Taylor with Taylor's-Aire Service; CLASS C JOURNEYMAN, GF, WA, Ernest Andrus with ABC Furnace; CLASS D JOURNEYMAN, GF, Earl J. Carter, Von Hill; CLASS D JOURNEYMAN, WA, Valley Sheet Metal for Scott Cox; CLASS D JOURNEYMAN, REF, Vaughn Johnson, William Johnson, Harold Buyere, George C. Bidstrup; PRIVATE PATROLMAN, Richard Robert Fenton, Jr.; TAXI OPERATOR, Loren Ririe, Harry T. Mitchell, Noel Howard, Robert Steven Hammon, Stephen

Wallace Timm, Bradley Kim Hall, Kathleen Smith, Patrick Alan Jones, Jed Norman Stanger,
Perry Carson, Willis Wayne Mickelsen, Peter Robert Wersey; BARTENDER, William H. Lloyd,

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Patricia Moon, Alfred C. Crandall, Dick Jenkins, Daniel L. Groll, Judy Moore, Florence Wilkerson, Ray Wilkerson, Pamela L. Cornelison, Fred Wallin, William E. Hiatt, Jr., Sheryl Jessen, were presented. It was moved by Councilman Freeman, seconded by Clark, that these licenses be granted, subject to the approval of the appropriate Division Director, where required. Roll call as follows: Ayes, 5; No, none; carried.

The City Clerk presented an application for a bartender's license in favor of Robert F. Shrives, carrying a recommendation from the Police Chief that it not be granted. It was moved by Councilman Freeman, seconded by Clark, that this recommendation be upheld and this license be respectively denied. Roll call as follows: Ayes, 5; No, none; carried.

This memo from the City Clerk was submitted:

City of Idaho Falls
May 25, 1978

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Roy C. Barnes

The Police Department has advised that there is again sufficient accumulation of impounded or unclaimed merchandise and equipment to warrant an auction sale, which we propose be scheduled for Saturday, June 17th, starting at 1:00 P.M., retaining a professional auctioneer for the event.

Unlike previous auctions, this one, at least for the disposition of bicycles and miscellaneous items, will be conducted somewhere within the County Law Enforcement facility but the precise location has not yet been determined. Commissioner Switter has given his permission.

We ask for Council authorization to conduct said sale on the date and at the time as indicated, to retain a professional auctioneer, to publish legal notice pertaining to said sale and to rely upon discretion of the City Clerk to determine the precise location details over at the County Building.

Respectfully submitted,
s/ Roy C. Barnes
City Clerk

It was moved by Councilman Clark, seconded by Wood, that Council give authorization for the various requests, as indicated in the memo, be granted. Roll call as follows: Ayes, 5; No, none; carried.

From the Public Works Director, this memo was forthcoming:

City of Idaho Falls
May 25, 1978

MEMORANDUM

TO: Honorable Mayor and City Council

FROM: Donald F. Lloyd
SUBJECT: FREMONT AVENUE WATERLINE

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The plans and specifications have been completed for the construction of a six (6) inch watermain on Fremont Avenue between Presto Street and Science Center Drive. We are requesting authorization for the City Clerk to advertise for competitive bids.

Sincerely,
s/ Don

It was moved by Councilman Freeman, seconded by Wood, that authorization be granted to advertise for bids on the project as described. Roll call as follows: Ayes, 5; No, none; carried. Another memo from the Public Works Director was forthcoming, as follows:

May 25, 1978

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: AMENDMENT TO ANNEXATION AGREEMENT ON HATCH
ADDITION, DIVISION NO. 8

We inadvertently made an error in calculating the Bridge and Arterial Street fee for Annexation Agreement on Hatch Addition, Division No. 8. We are attaching hereto an Amendment correcting this error and we would recommend that the Mayor and City Clerk be authorized to sign the City's approval.

Sincerely,
s/ Don

It was moved by Councilman Hovey, seconded by Wood, that this amendment to the Hatch Addition, Division No. 8 annexation agreement be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 5; No, none; carried.

This memo from the Parks & Recreation Director was submitted:

City of Idaho Falls
May 25, 1978

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Ernest Craner, Director
SUBJECT: COUNCIL MEETING AGENDA

Request permission to submit an application to the Idaho State Parks & Recreation Department and Heritage Conservation and Recreation Service (BOR) for funds to develop Esquire Acres Park.

s/ Ernest Craner

Councilman Freeman explained that development of Esquire Acres Park will be a budget item during the 1979-1980 fiscal year but the application as described, should be submitted now for necessary processing. It was moved by Councilman Freeman, seconded by Erickson, that

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authorization be granted to submit this application to the agencies as indicated. Roll call as follows: Ayes, 5; No, none; carried.

From the Building Administrator came this memo:

City of Idaho Falls
May 25, 1978

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: AMENDMENT TO THE 1977 CDBG APPLICATION

Attached is a copy of the proposed amendment to the 1977 Community Development Application. This amendment is made necessary in order to pick up the surplus funds from the Urban Renewal program in the amount of \$318,575, to enable additional funding to be provided for the ramp at the Civic Auditorium and construction of the Neighborhood Center in the Bel-Aire area. We are also changing the wording regarding the Senior Citizens Center from "acquisition" to "construction of the new facility".

In addition to the surplus from the Urban Renewal program, approximately \$8,200 are being reprogrammed from contingencies and surplus funds from other projects to cover the increased costs. The total grant amount is increased to \$1,033,775.

The Citizens Advisory Committee has held two (2) public hearings on this matter and has recommended approval of the amendment as presented. We are requesting authorization for the Mayor to sign this amended application.

s/ Rod Gilchrist

It was moved by Councilman Freeman, seconded by Clark, that the Mayor be authorized to sign this amended application as requested. Roll call as follows: Ayes, 5; No, none; carried.

Also, from the Building Administrator, this memo was submitted:

City of Idaho Falls
May 25, 1978

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: AMENDMENT TO 1978 CDBG APPLICATION

Attached is a copy of the proposed amendment to the 1978 Community Development block Grant application. This proposed amendment is made necessary due to additional funding needed for the proposed bridge at Bingham Street, additional funding required for the ramp at the Civic Auditorium and

changing the wording relative to the Senior Citizens Center from “acquisition and relocation” to “construction of a new facility”.

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The total grant application changes from \$441,000 to \$467,000. These additional funds have been made available by reprogramming funds from the 1977 program.

The Citizens Advisory Committee has held two public hearings on this matter and have recommended approval of the attached amendment. This department is requesting authorization for the Mayor to sign the amendment.

s/ Rod Gilchrist

It was moved by Councilman Freeman, seconded by Clark, that the Mayor be authorized to sign this amended application as requested. Roll call as follows: Ayes, 5; No, none; carried.

This memo from the Building Administrator was reviewed:

City of Idaho Falls
May 25, 1978

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: RELOCATION OF EASEMENT - ROSE NIELSEN ADDITION,
DIVISION NO. 10

Attached is a copy of an easement agreement which provides for the relocation of an easement between Lots 22 and 23, Block 11, of the Rose Nielsen Addition, Division No. 10. There are no utilities presently located in this easement and the affected Departments have agreed to the relocation. This department recommends relocation of the easement as requested.

This request is now being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist

It was moved by Councilman Freeman, seconded by Clark, that the City Attorney be directed to prepare the necessary legal documents for Council consideration, relative to the easement relocation as indicated. Roll call as follows: Ayes, 5; No, none; carried.

From the Electrical Engineer came this memo:

City of Idaho Falls
May 24, 1978

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Steve Harrison
SUBJECT: PHASE 1 TECHNICAL SERVICE AGREEMENT

The Electric Division requests that the Mayor and City Clerk be authorized to sign the attached technical service agreement with International Engineering Company, Inc.

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The agreement is for the design phase of the bulb turbine project. This phase of the engineering work is estimated to cost \$1,852,000.00 out of which IECO is to be paid a fixed fee of \$158,000.00.

A preliminary estimate of phase two or the construction phase is estimated at \$2,330,000.00 for a total engineering cost of \$4,182,000.00. The engineering costs for the construction phase is not part of this agreement and will be negotiated when the scope of this portion of the project is more clearly defined.

The Department of Energy has reviewed the contract and finds it acceptable.

s/ Steve Harrison

It was moved by Councilman Wood, seconded by Hovey, that the Mayor and City Clerk be authorized to sign this technical service agreement as indicated. Roll call as follows: Ayes, 5; No, none; carried.

The City Clerk presented and read aloud the following:

E.D. Vissing Company
Idaho Falls, Idaho
May 18, 1978

Honorable Mayor Thomas V. Campbell
and City Councilmembers
P.O. Box 220
Idaho Falls, Idaho

Honorable Mayor Campbell and City Council:

In answer to Mayor Campbell's letter of May 10, 1978, I request this letter be read openly in an official City Council meeting, in reference to changing the name of a street.

S. Eddie Pedersen, former Mayor and lifetime friend, suggested, years ago, to have Jackson Drive changed to Vissing Circle for several reasons.

1. It is a short street, about two blocks, ending in a circle
2. I am the pioneer resident of the street.
3. It has no entrance sign.
4. It is a very descriptive name.
5. It would be beneficial to the City as I am a well-known resident businessman living here since 1929.

The Mayor noted that he had received one objection to this request, from the only other resident on Jackson Drive on the grounds that such a change of street would cause inconvenience for postal deliveries, those interested in finding the street, etc. The City Attorney said this should be taken into consideration before a decision is made. It was moved by Councilman Hovey, seconded by Wood, that this request be referred to the Public Works Committee for study and consideration. Roll call as follows: Ayes, 5; No, none; carried.

This letter was then presented and read aloud:

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Rt. 3, Box 232A
Idaho Falls, Idaho 83401
May 24, 1978

The Honorable Mayor and City Councilmen
c/o City Clerk
Idaho Falls, Idaho

Subject: Power line south of Idaho Falls

Dear Sirs:

We recently received a letter from the City of Idaho Falls Electric Division on the subject of a power line to be constructed south of Idaho Falls. In the City Council meeting of May 11, 1978, as well as in a recent Post Register article, this letter was described as aimed at "educating" the landowners involved. Unfortunately, the letter raises more questions than it answers, and we feel that our "education" is not complete.

Mr. Harrison's letter included a map and an article from the Post Register of May 29, 1974. The map shows the power line route on York Road, which is in disagreement with another map published in the Post Register on May 12, 1978. Although Mr. Harrison's contention that information was published on the power line in 1974 has been supported by this reprinted article and map, the aim of educating the landowners has been sidetracked. What we would like is accurate, current information, not outdated maps.

Further, we question the validity of the 1973 study for several reasons. First, the population distribution in Idaho Falls and adjacent to the numerous private dwellings that are now located south of town. Second, the land values south of town have increased more than 500 % over the five year period, which could not have been anticipated by the group doing the study. This will greatly impact the cost of securing the right-of-way. Thirdly, the recent growth in the Idaho Falls area can be correlated to the hiring patterns at the Idaho National Engineering Laboratory. This growth has slowed dramatically and will continue to slow as the major reactor safety study projects are completed. Any fluctuation in hiring at the INEL site affects the Idaho Falls community directly and indirectly. This has already become evident in the real estate market in recent months. The projected power needs should be re-appraised prior to construction of a major power line. Fourthly, The Bonneville Power Authority has stated that it will not guarantee power supplies to Idaho Falls after the early 1980's. Recently, Idaho Falls has refused to supply power to rural areas and to Ammon. This seems to imply that a high voltage power line is unnecessary, since the City of Idaho Falls is refusing to increase the user area and there will be no City power to distribute.

Other general concerns which are not addressed in Mr. Harrison's educational letter are as follows: What is the construction schedule for the south loop of the power line? Where is the route going to be and where are the power poles to be located on the route? Where will the substations be located? How will this

line affect TV/radio reception? Will the homes by power lines ever receive power at the City rates? What are the cost projections for the project? Do these

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costs include the cost of the right-of-way? Are the costs in 1973 or 1978 dollars? What are the projected rates for City supplied power over the next twenty and forty years?

If the City of Idaho Falls is going to continue in the business of supplying power, which is normally a privately owned and taxable venture, we feel that the City should certainly provide adequate information to the people affected. Further, as County residents, we pay a higher tax rate to support schools because when the City assumed the responsibility to provide power in town, it decreased the tax base by eliminating a private utility venture. We pay a higher power rate to Utah Power and Light, which contributes to local taxes, and we pay a higher tax rate also, essentially to subsidize the tax-free power source enjoyed by residents of the City of Idaho Falls. It is questionable to have a municipality expanding a utility venture in direct competition with private, taxpaying utility companies, and while so-doing, requiring non-City residents to tolerate transmission lines with no benefit to themselves.

The City of Idaho Falls Power Division has so far been less than eager to provide clear information on the power line project, as is amply proven by the recent educational letter. The project would be better served by clear information and open salesmanship where the County residents are concerned. A public hearing covering the many questions on the power line, and an updated study of the power line plan, would alleviate the growing dissatisfaction of the County residents who feel that they are being sidestepped on an important issue.

It is our hope and that of our neighbors that a hearing, if possible in the evening, will be set up soon so that the power line can be discussed openly.

A copy of this letter is being forwarded to the County Commissioners Office so that they can be cognizant of the concerns of County residents. We are in a unique position of voting for County officials., but being subject to City officials on this issue.

Very truly,
s/ Mr. and Mrs. Clair N.
Fitch

It was moved by Councilman Wood, seconded by Erickson, that this letter be referred to the Electrical Committee for study and consideration. Roll call as follows: Ayes, 5; No, none; carried.

Reference is made to page 196 in this book of minutes and, more specifically, an appearance before the Council by Mr. Dick Berger, President of the Homebuilders, said claims being partial refunds on sewer connection fees. City Attorney Smith reported that he was now in a position to recommend certain refunds. Smith explained that each claim had to be thoroughly investigated to determine if payment for the sewer connection was, in fact, paid under protest and that this procedure would be the extent of the City's legal obligation, based upon a Supreme Court decision. Smith then proceeded to submit his recommendations as follows, with the understanding that refunds be limited the \$200.00 of the \$300.00 sewer connection fee paid:

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Dick Berger, dba Lone Tree, Inc., 4 - for a total of \$800.00
Michael Armstrong, 1- for a total of \$200.00
Grimmett Building & Supply, 3 - for a total of \$600.00.

Smith concluded his report by saying it would appear that several refunds are due Reno Barbisan, dba Security Construction Corporation and others but that no firm recommendation for payment would be forthcoming until all claims were investigated. It was moved by Councilman Hovey, seconded by Erickson, that the foregoing recommendation for payment would be forthcoming until all claims were investigated. It was moved by Councilman Hovey, seconded by Erickson, that the foregoing recommendation for refund payment be approved and the Controller be authorized to remit accordingly. Roll call as follows: Ayes, 5; No, none; carried.

Mrs. Charlene Booth, 3203 Nina Drive, appeared briefly, registering concern about planned parks within the one mile area of City impact. Mrs. Booth said this had been the subject of discussion at various Parks and Recreation Commission meetings which she had attended and that the common and prevalent question had been raised as to how lands could be acquired for parks. Councilman Freeman, as chairman of the Parks and Recreation Council Committee, replied by saying that the City is also interested in seeking appropriate areas that could be so used, concurrent with the City's orderly growth but that there were obviously budgetary limitations on projects of this nature.

There being no further business, it was moved by Councilman Freeman, seconded by Erickson, that the meeting adjourn at 9:10 P.M., carried.

s/ Roy C. Barnes
City Clerk

s/ Thomas Campbell
Mayor

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